

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
GREENSBORO DIVISION  
No. 1:19-cv-00808-LCB-JLW

ROSETTA SWINNEY, an individual	)	
and legal guardian and next of friend	)	
to J.S., a minor,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
FRONTIER AIRLINES, Inc.,	)	
	)	
Defendant.	)	

**DEFENDANT FRONTIER AIRLINE, INC.’S RULE 26(f) REPORT**

1. Pursuant to Fed. R. Civ. P. 26(f) and LR 16.1(b), a telephonic meeting was held on October 20, 2020 and was attended by Sharika Robinson for Plaintiffs and Aaron White for Defendant Frontier Airlines, Inc. (“Frontier”).

2. Discovery Plan. Frontier proposes to the Court the following Discovery Plan:

- Discovery will be needed on the following subjects:
  - a) The circumstances surrounding Plaintiffs J.S.’s alleged exposure to vomit on the subject aircraft in Las Vegas, Nevada;
  - b) The party responsible for the presence of the alleged vomit, including any vendor retained by Frontier to clean its aircraft prior to such flight;
  - c) Whether Plaintiff J.S.’s alleged exposure to vomit caused her to sustain any injuries;
  - d) The circumstances surrounding Plaintiff Swinney’s removal from the aircraft by Las Vegas Police;

- e) The circumstances surrounding Frontier's alleged defamatory statements;
- f) Whether Plaintiff Swinney sustained any special damages related to the alleged defamation.
- Frontier believes that the appropriate plan for this case is that designated in LR 26.1(a) as exceptional. All discovery requests and responses that are submitted electronically are deemed served on the date the electronic communication is sent.
- The date for the completion of all discovery (general and expert): September 24, 2021.
- Stipulated modifications to the case management track include:

No modifications to the case management track.

- The parties will complete Rule 26(a)(1) initial disclosures within 30 days of the entry of the Court's order related to the discovery schedule.
- Reports as required by Rule 26(a)(2)(B) and disclosures required by Rule 26(a)(2)(C) are due as follows:
  - a) From Plaintiffs by June 18, 2021.
  - b) From Defendant by July 18, 2021.
- Supplementations will be as provided in Rule 26(e) or as otherwise ordered by the court.

3. Mediation: Parties participated in voluntary mediation on February 26, 2020, before mediator Rene Stemple Trehy, Esq. Mediation was unsuccessful. Frontier agrees to participate in another private mediation or a settlement conference before a magistrate judge before the close of discovery.

4. Preliminary Deposition Schedule:

Frontier anticipates that fact witness depositions will be taken after service of written discovery responses by the parties. Counsel for the parties will confer and attempt to schedule any depositions on mutually agreeable dates during the discovery period. The parties will update this deposition schedule at reasonable intervals. Individual depositions will last no more than 7 hours, unless agreed to in advance.

5. Other items.

- Parties agree that, whenever possible, discovery requests and responses will be served via e-mail.
- Join additional Parties or amend pleadings:
  - a) Plaintiff should be allowed until April 16, 2021 to request leave to join additional parties or amend pleadings.
  - b) Defendant Frontier should be allowed until May 16, 2021 to request leave to join additional parties or amend pleadings.
- After these dates, the Court will consider, *inter alia*, whether the granting of leave would delay trial.
- The parties have discussed special procedures for managing the case, including referral of the case to a Magistrate Judge on consent of the parties under 28 U.S.C. §636(c) and appointment of a master. The parties do not agree to a referral to a Magistrate Judge or the appointment of a master.
- Trial of the action is expected to take approximately 5 days. A jury trial has been demanded.

Dated: November 18, 2020

Respectfully submitted,

/s/ 

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Attorneys for Defendant, Frontier Airlines, Inc.

### **CERTIFICATE OF SERVICE**

I certify that on November 18, 2020, I caused the foregoing to be electronically filed with the United States District Court for the Middle District of North Carolina using the CM/ECF system.

/s/ Aaron M. White